



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/815,456	12/31/91	BERIONT	W 90-3-876

VICTOR F. LOHMANN, III
GTE SERVICE CORP.
40 SYLVAN RD.
WALTHAM, MA 02254

26M1/0323

WEBSTER EXAMINER	
ART UNIT	PAPER NUMBER
2614	11

DATE MAILED: 03/23/94

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run _____ or continues to run 3 months from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

- ☒ Applicant's response to the final rejection, filed 3/16/94 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - ☒ They raise new issues that would require further consideration and/or search. (See Note).
 - ☐ They raise the issue of new matter. (See Note).
 - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: see attachment

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: n/a
Claims objected to: n/a
Claims rejected: 1-7

However;

- ☐ Applicant's response has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

- ☐ Other

Bryan Webster

Response to Amendment

On March 1, 1994, Mr. Victor Lohmann and the examiner of record conducted an telephonic interview in regards to this case. The Whittington reference was discussed and it was agreed upon by both parties that if a specific limitation, more specifically, a limitation saying that the signal samples being replaced are digital representation of an analog signal quantity would stand the claimed invention over the prior art. However, this does raise new considerations and would require a new search, as the claims as filed if the amendment would have been entered are significantly different from those as filed when the case was made final. Therefore, the examiner has decided not to enter the amendment filed on 3/16/94, because of the further considerations and/or search that would be brought about as a result of the amendment being entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Webster whose telephone number is (703) 308-6607.

Bwebster
B. Webster
March 19, 1994

Stephen Chin
STEPHEN CHIN
PRIMARY EXAMINER
GROUP 260